FILED
JUN 19 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8555

UNITED STATES OF AMERICA, Plaintiff, v. Esau Alejandro GUERRERO-Ramirez Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about June 18, 2008, within the Southern District of California, defendant Esau Alejandro GUERRERO-Ramirez did knowingly and intentionally import approximately 56.60 kilograms (124.52 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19TH, DAY OF JUNE 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Esau Alejandro GUERRERO-Ramirez

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent (SA) Castaneda.

On June 19, 2008, at approximately 0026 hours, Esau Alejandro GUERRERO-Ramirez (GUERRERO) entered the United States at the Calexico, California, West Port of Entry. GUERRERO was the sole occupant driver and registered owner of a 1996 Ford Explorer.

The primary inspector, Customs and Border Protection Officer (CBPO) D. Morris, noticed that the quarter panels were solid, the spare tire was freshly mounted and there was only one key in the ignition. CBPO Morris referred GUERRERO and the vehicle to the secondary lot for closer examination.

In the vehicle secondary lot, a canine inspection of the vehicle was performed. The canine alerted and responded to the spare tire of the vehicle.

A subsequent inspection of the vehicle revealed 49 packages in the vehicles spare tire and quarter panels. One of the packages was probed by CBPO Duarte and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 49 packages had a combined net weight of approximately 56.60 kilograms (124.52 pounds).

GUERRERO was placed under arrest and advised of his Constitutional Rights. GUERRERO stated he understood his rights and was willing to answer questions without the presence of an attorney. GUERRERO admitted knowledge of the marijuana in the vehicle.